



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,518	10/17/2001	Jean-Marc Wanner	NY-GRYN 204-US	7690
24972	7590	09/09/2004	EXAMINER	
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			PHAM, TUAN	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/981,518

Applicant(s)

WANNER, JEAN-MARC

Examiner

TUAN A PHAM

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 07/01/2004 have been fully considered but they are not persuasive.

In response to Applicant's Remarks on page 5, Applicant argues the Ananikian et al. reference (U.S. Patent No.: 6,266,403) does not teach "a memorize or indicate data relative to call duration", the examiner respectfully agrees with the applicant's arguments as stated above.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues the Ananikian et al. also fails to teach a call is answered on one telephone but continued on another telephone, as required in claims 1, 10 and 11. However, the examiner respectfully disagrees with the applicant's arguments as stated above. Applicant should refer to claims 1, 10 and 11, there is nowhere in amended claims 1, 10 and 11 stated, "a call is answered on one telephone but continued on another telephone". Therefore, the teachings of Ananikian et al. reference still read on it.

In response to Applicant's Remarks on page 6, Applicant argues the Jensen reference (U.S. Patent No.: 6,373,934) fails to teach "a memorization or indication device that is operable to memorize or indicate data relative to call duration as a function of the line state signal of the telephone line". However, the examiner respectfully disagrees with the applicant's arguments as stated above. Jensen teaches an apparatus for monitoring and recording incoming and outgoing telephone call on the telephone line and Jensen also teaches memory for storing the time and duration of a incoming call and outgoing call (see col.2, ln.51-65). Therefore, the requirement for memorize or indicate data relative to call duration as a function of the line state signal of the telephone line is met.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant traverses the rejection to claims 1, 10 and 11 by mainly arguing that there is no motivation to combine Ananikian et al. reference (U.S. Patent No.: 6,266,403) with Jensen reference (U.S. Patent No.: 6,373,934). The Examiner respectfully disagrees with the applicant's arguments as stated above. The Ananikian et al. teach a telephone device for monitoring and displaying the incoming call of the caller and a memory device

Art Unit: 2643

for storing the incoming call or identification signal. However, Jensen teaches a device for monitoring and recording incoming and outgoing telephone calls on the telephone line and Jensen also teaches memory for storing the time and duration of a incoming call and outgoing calls. Therefore, there is a motivation to combine the teaching of Jensen with Ananikian since the device can be monitored the incoming and outgoing calls in order to keep track the record of caller and thus the convenient can be achieved.

With all remarks in response to the Applicant's arguments, the Examiner believes that the rejection to all pending claims as set forth in this Office Action have been proper and permissible on the merits.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ananikian et al. (U.S. Patent No. 6,266,403, hereinafter, "Ananikian") in view of Jensen (U.S. Patent No. 6,373,934).

Regarding claims 1 and 10, Ananikian teaches a telephone (see figure 1, telephone 2) comprising:

a memorization device for memorizing data related to incoming calls on a telephone line (see figure 1, memory 6, col.2, ln.46-50, col.3, ln.50-53); and

Art Unit: 2643

a detector (see figure 1, detector 10, col.3, ln.30-35) for outputting a line state signal of the telephone line to the memorization device (see col.2, ln.46-50, col.3, ln.65-67, col.4, ln.58-67); and wherein the memorization device is operable to memorize the data as a function of the line state of the telephone line (see col.3, ln.50-54), thereby providing reliable data even when calls originate or terminate from or on another telephone on the telephone line (see col.4, ln.19-30).

It should be noticed that Ananikian fails to clearly teach a memorization device for memorizing data related to outgoing calls on a telephone line and memorize indicate data relative to call duration. However, Jensen teaches such features (see col.2, ln.25-65, col.3, ln.16-45) for a purpose of monitoring and recording all the calls are made or receive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of memorization device for memorizing data related to outgoing calls on a telephone line and memorize indicate data relative to call duration, as taught by Jensen, into view of Ananikian in order to monitor all the incoming and outgoing calls and tracking the time from the caller.

Regarding claim 2, Ananikian further teaches the telephone wherein the memorization or indication device comprises an unanswered call indicator for indicating when an incoming call is not answered as determined from the line state signal (see col.4, ln.19-39).

Regarding claim 3, Jensen further teaches the telephone wherein the line state of the telephone is either a busy state or a free state (i.e., off-hook or on-hook); and

wherein the memorization device is operable to memorize communication times of incoming calls by determining time elapsed between two line state changes for each incoming call (see col.4, ln.3-25).

Regarding claim 4, Ananikian further teaches the telephone wherein the memorization device is operable to memorize received numbers of the incoming calls (see col.2, ln.46-50, col.3, ln.50-54).

Regarding claim 5, Jensen further teaches the telephone wherein the line state of the telephone is either a busy state or a free state (i.e., off-hook or on-hook); and wherein the memorization device is operable to memorize communication times of outgoing calls by determining time elapsed between two line state changes for each incoming call (see col.4, ln.3-25).

Regarding claim 6, Ananikian further teaches the telephone wherein the memorization device is operable to memorize called numbers (see col.3, ln.50-54).

Regarding claim 7, Ananikian further teaches the telephone further comprising a called number detector for detecting numbers dialed on the telephone line, thereby memorizing call numbers dialed from other telephones on the telephone line (see col.4, ln.58-67).

Regarding claim 8, Jensen further teaches the telephone wherein the called number tone detector is a DTMF decoder (see figure 1, DTMF decoder 20).

Regarding claim 9, Jensen further teaches the telephone further comprising: a processor having a memory; and a device for receiving programming signals over the telephone line, the programming signal being downloaded to the memory of the

Art Unit: 2643

processor; and wherein the processor is operable to restore the data as a function of the line state of the telephone line (see figure 1, processor 10, memory 80, col.7, ln.1-5, ln.35-55).

Regarding claim 11, Ananikian teaches a multiple telephone set (see figure 1, telephone 2, telephone 3, telephone 4), comprising:

at least one telephone comprising a line detector for outputting a line state signal of a telephone line (see figure 1, telephone 2, detector 10, col.3, ln.30-35; and a memorization or indication device for memorizing or indicating data related to incoming calls on the telephone line (see figure 1, memory 6, col.2, ln.46-50, col.3, ln.50-53); at least one telephone without the memorization or indication device (see figure 1, telephone 3); and wherein the memorization or indication device is operable to memorize or indicate the data as a function of the line state of the telephone line (see col.3, ln.50-54), thereby providing reliable data even when calls originate or terminate from or on another telephone on the telephone line (see col.4, ln.19-30).

It should be noticed that Ananikian fails to clearly teach a memorization device for memorizing data related to outgoing calls on a telephone line and memorize indicate data relative to call duration. However, Jensen teaches such features (see col.2, ln.25-65, col.3, ln.16-45) for a purpose of monitoring and recording all the call are made or receive.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of memorization device for memorizing data related to outgoing calls on a telephone line and memorize indicate

data relative to call duration, as taught by Jensen, into view of Ananikian in order to monitor all the incoming and outgoing calls and tracking the time from the caller.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any response to this final action should be mailed to:

Box AF

**Commissioner of Patents and Trademarks
Washington, D.C. 20231**

or faxed to:

**(703) 872-9314 (for formal communications; please mark
"EXPEDITED PROCEDURE")**

Or:

**If it is an informal or draft communication, please label
"PROPOSED" or "DRAFT")**

Customer Service (703) 306-0377

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal

Drive, Arlington, VA., Sixth Floor (Receptionist

Art Unit: 2643

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and

IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit 2643
September 3, 2004
Examiner

Tuan Pham


HUYEN LE
PRIMARY EXAMINER